Accordingly, I am vetoing Sections 2 and 3 of said Senate Bill No. 72. The remaining sections of the bill are hereby approved.

Respectfully submitted,

CLARENCE D. MARTIN,
Governor.

January 23, 1934.

To the Honorable,
The Senate of the State of Washington:
(Through the Secretary of State.)

I am filing herewith, to be transmitted to the Senate at the next session of the Legislature, without my approval as to a certain item, Senate Bill No. 7, entitled:

"An Act relating to intoxicating liquors, providing for the control and regulation thereof, creating state offices, defining crimes and providing penalties therefor, providing for the disposition of public funds and declaring that this act shall take effect immediately."

This bill is approved with the exception of item 3 of Section 64, which is vetoed.

My primary reason for vetoing this provision is that it does not accomplish the purpose for which it was designed.

It is suggested by those who insist on this provision that "it will remove liquor control from politics." Seemingly the theory is that the three members of the board, once chosen and appointed solely by the Governor, would stand detached and independent and would not stoop to indulge in so-called politics.

It is a commendable ideal, but an uncertain practicality.

The weakness of the theory and system is that the members of the board would stand detached and independent, responsible to nobody, accountable to nobody. For one thing, they would stand with their human frailties unfortified against venal temptations and the subtle and specious influences of special interests. For another, unrestrained and unafraid of prompt removal, they might stand so independently as to become disdainful and arrogant towards the people and the Governor, gradually creating an oligarchy.

Practical wisdom and experience indicate that neither course would lead the board from politics. On the contrary, either course might lead the board into politics, not the common politics over which the people hold the corrective hand and controlling power, but back to the old-fashioned "liquor politics"—than which no form of politics can be more reprehensible, more vicious and more destructive of public trust and public character.

While this provision permits removal for inefficiency, misfeasance or malfeasance, it also specifies a process that is slow, cumbersome and doubtful. Removal proceedings can be started only on specific written charges by the Governor, the accused member being permitted to continue in office until tried and convicted by a specially created judicial tribunal. This system is wrong in principle. In the first place, I doubt the propriety of dragging the judiciary into controversies between the Governor and his

appointees. The functions thus devolved upon the chief justice and judges of the superior court would not be judicial, but purely administrative. It is wrong, too, because these judges would, of necessity, be governed by technical rules and would resolve every doubt in favor of the member whose removal was sought. The Governor might become morally certain of an appointee's unfitness and yet be unable to establish the fact to the satisfaction of the board of judges governed by technical rules of evidence. Then, there are many forms of unwholesome and reprehensible conduct in office that do not constitute a tangible crime against the public trust and the public honor. Yet, even if the occasion should arise where a board member is guilty of tangible delinquency and ought to be removed, the judicial method provided is so complicated that the necessary removal could be long delayed and probably eventually defeated. Plenty of politics can be played and protected behind such a process.

It is suggested, too, that this system of removal was designed to keep liquor issues out of contests for the governorship and to protect the Governor. Unfortunately, undesirable issues and problems are the fate of every citizen who seeks to serve as Governor, and they can not be ruled out by a legislative order. Likewise, it is folly to devise systems to protect the Governor from the responsibilities of the public business. The truth is that if the public business is being mismanaged, or if appointed state officers fail in their duty, the public at large looks to the Governor and expects him to do something to remedy the situation.

This is especially true of Washington's venture into the liquor business. Right or wrong, the prevailing sentiment throughout the state is that the Governor is responsible for the success or failure of the new liquor system. It likewise is true that the way to keep public business out of politics is to have it function properly—for the common good, not for the privileged few or special interests—and proper functioning is contingent on proper responsibility. But we can not have proper responsibility by dividing the appointive and removal authority.

Therefore, I am willing to accept the responsibility and I am willing to accept the accountability. This is especially essential during the experimental stages of state liquor control, because the directors of the business must be kept sensitive and responsive to desired changes if we are to work out a system of liquor control that will be satisfactory to the substantial majority of the people.

So item 3 of Section 64 is vetoed.

Respectfully submitted,

CLARENCE D. MARTIN,
Governor.